

REMARKSRejection of the Specification for Non-Compliance Under 37 C.F.R. §1.821

The specification has been objected to because, according to the Examiner, the specification contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §1.821(a)(1) and (a)(2). The Examiner points out several instances in the specification that are believed to be illustrative of non-compliance with the rules directed to sequence listings.

Applicants thank the Examiner for the telephone interview on June 18, 2003, regarding the instant Office Action. As discussed in the interview, the specification sections pointed out by the Examiner do not reveal a reference to an unbranched sequence of four or more amino acids of Tumor Necrosis Factor (TNF) or an unbranched sequence of ten or more nucleotides of TNF without a proper sequence identifier. Rather, these sections only refer to the TNF gene and/or protein by its name and not as a disclosure of its nucleotide and/or amino acid sequence. Where a sequence of TNF is disclosed, the reference is already accompanied by an identifier (*see, e.g.*, page 12, line 8 of the specification). Therefore, no further sequence identifiers are required and the application is in compliance with 37 C.F.R. §1.821. Additionally, this application is a continuation of U.S. Application No. 09/133,119 (now U.S. Patent No. 6,277,969) which has substantially the same specification and was deemed to be in compliance with the Sequence Rules. Likewise, related applications have issued as patents with substantially the same specification which was deemed to be in compliance with the Sequence Rules (*see, e.g.*, U.S. Patent Nos. 5,656,272; 5,698,195; 5,919,452; and 6,284,471).

As the application is in compliance with 37 C.F.R. §1.821, reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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